

REMARKS/ARGUMENTS

Claims 1-15 and 21-22 remain in this application. Claims 1 and 7 have been amended herein. Claims 16-20 have been previously canceled and claim 6 is cancelled herein. New claims 23-25 have been added herein.

1. Claim Rejections Under 35 USC §102

Claims 1, 2, 4-7 and 21-22 are rejected under 35 USC 102(a) as being anticipated by Japanese Design Registration No. D1172155.

Respectfully, the 102(a) rejection of claims 1, 2, 4-7 and 21-22 is improper. D1172115 is devoid of any indication that the proportions are drawn to scale. Examiner's argument thus hinges on an improper inference drawn from the figures about the quantitative relationship between the respective thicknesses of the porous walls adjoining corners of the first channels being comparable to the thickness of the porous walls adjoining the edges. Previously Applicant's discussed existing precedent, and that it established that patent drawings do not define the precise proportions of the elements shown and *may not* be relied on to show particular sizes if the specification is completely silent on the issue. See In re Wright, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977) ("Absent any *written description* in the specification of quantitative values, arguments based on measurement of a drawing are of little value."); In re Olson, 212 F.2d 590, 592, 101 USPQ 401, 402 (CCPA 1954). Examiner was also directed to the Manual of Patent Examining Procedure, Section 2125.

Additionally, Applicants direct Examiner's attention to the recent case of Nystrom v. Trex, 71 USPQ2d 1241 (CAFC 2004). In that case, the Court reaffirmed it is improper to rely on unstated dimensions from patent drawings to anticipate claims. Id. at 1250. The Court went on to indicate prior art patent drawings cannot be the "basis for challenging the validity of *claims reciting specific dimensions not directly disclosed in such prior art.*" Id. at 1250. This is a case like Nystrom, in that specific dimensions are disclosed in claims 1, 21 and 22 and they are not "*directly disclosed*" in D1172155. Accordingly, it is impermissible to reject the present claims 1, 2, 4-7 and 21 under 102(a) based upon D1172155 because it does not show the claimed feature, i.e., that the respective thicknesses are comparable and, as amended, that a ratio of the hydraulic diameter of the first channels to the hydraulic diameter of the second channels is in a range from 1.1 to 2.0. Likewise, as to claim 22, D1172155 does not directly disclose the thickness of the porous walls adjoining corners of the first channels is in a range of about 0.8 to 1.2 times the thickness of the porous walls adjoining edges of the first and the second channels, and a ratio of the hydraulic diameter of the first channels to the hydraulic diameter of the second channels is in a range from 1.1 to 2.0.

With regard to claims 6-7, Examiner seems to be doing exactly what is prohibited under relevant precedent, i.e., scaling off the D1172155 patent drawings to calculate the hydraulic diameters to reject the present claims where no *specific dimensions are directly disclosed* in the reference. Thus, respectfully, the rejection of claim 1, 2, 4-7, and 21-22 is improper and should also be withdrawn.

2. Claim Rejections Under 35 USC §103

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Japanese Design Registration No. D1172155 in view of Montierth.

For the reasons given above, the primary reference (D1172155) does not teach or suggest the claimed feature of claim 1, i.e., that the respective thicknesses of the side and corner wall portions being of comparable and a ratio of the hydraulic diameter of the first channels to the hydraulic diameter of the second channels is in a range from 1.1 to 2.0.

Montierth does nothing to remedy this deficiency. Accordingly, the obviousness rejection should be withdrawn.

3. Allowable Subject Matter

Claim 3 would be allowable if rewritten in independent form. Examiner is thanked for the indication of allowable subject matter. Applicant's believe that Examiner meant claim 2 would be allowable, and believe Examiner should review the present specification as to the difference between "fillet" and "bevel." A corner fillet has a curved shape (see Fig. 2B and [0023]), whereas a corner bevel has a generally straight shape (see Fig. 2C and [0026]). Accordingly, Applicant's have rewritten claim 4 in independent form as new claim 23. Clearly the prior art does not teach or suggest a thickness of the porous walls adjoining corners of the first channels comparable to the thickness of the porous walls wherein the corner shape includes a *fillet*. D 1172115 teaches a bevel shape. Accordingly, claims 23 is believed to be allowable.

4. New Claims Added

New claims 23 have been added herein. Claim 23 is allowable for the reasons stated in 3. above. New claims 24-25 are allowable because the prior art D1172115 does not teach an non-segmented columnar body which has a circular or elliptical outer profile, or a skin. See page 4, [0021] and Fig. 2A for support. No new matter is added. In contrast, D1172115 teaches a segmented body without a skin.

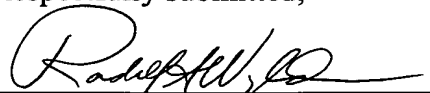
5. Conclusion

Based upon the above amendments, remarks, and papers of records, Applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that no extension of time is necessary to make this Reply timely. Should Applicants be in error, Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,



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